

State of California
Regional Water Quality Control Board
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT
August 10, 2005

ITEM: 6

SUBJECT: SeaWorld San Diego: Administrative Assessment of Civil Liability as a \$6,000 Mandatory Minimum Penalty against SeaWorld San Diego for violations of effluent limitations contained in Regional Board *Order No. 2000-0025, Waste Discharge Requirements for SeaWorld San Diego, Discharge to Mission Bay*. The Regional Board will consider adoption of an order accepting settlement of the proposed liability in response to Administrative Civil Liability Complaint No. R9-2005-0129. If the Regional Board rejects the settlement, the matter will be rescheduled to a future public hearing at which time the Regional Board will consider assessment of civil liability. (Tentative Order No. R9-2005-0223) (Mark Alpert)

PURPOSE: The Regional Board will consider accepting SeaWorld's signed waiver of public hearing and \$6,000 payment in settlement of the allegations in Administrative Civil Liability Complaint No. R9-2005-0129 (Document No. 4).

PUBLIC NOTICE: A public notice was published in the San Diego Daily Transcript on June 3, 2005. The 30-day comment period ended on July 27, 2005. The item was also posted on the Regional Board web page.

DISCUSSION: On May 16, 2005 the Executive Officer issued Complaint No. R9-2005-0129 for Administrative Civil Liability with Mandatory Minimum Penalties in the amount of \$6,000 against SeaWorld San Diego for violations of effluent limitations contained in Order No. 2000-0025. The violations included two total suspended solids that occurred on December 15, 2004: 1) a daily maximum concentration of 40 mg/l (greater than 40% above the limit of 16.1 mg/l) and 2) a monthly average concentration of 40 mg/l (greater than 40% above the limit of 11.1 mg/l). In accordance with California Water Code sections 13385(h) these are serious violations,

which are each subject to the assessment of mandatory minimum penalty of three thousand dollars (\$3,000).

On June 7, 2005 SeaWorld San Diego waived its right to a public hearing and paid the liability proposed in the Complaint.

If the Regional Board does not adopt the tentative Order, a hearing will be scheduled for a future Regional Board meeting.

No comments concerning this matter have been received to date.

LEGAL CONCERNS: None.

SUPPORTING
DOCUMENTS:

- (1) Location Maps
- (2) Tentative Order No. R9-2005-0223
- (3) Waiver of Hearing Form
- (4) Administrative Civil Liability Complaint No. R9-2005-0129 dated May 16, 2005.

RECOMMENDATION The adoption of tentative Order No. R9-2005-0223 is recommended.